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PATENT

ATTORNEY DOCKET NO. 04644/068001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee : ZMD Corporation  
Patent No.: 5,462,157  
Serial No.: 144,665  
Issued : October 31, 1995  
Filed : October 28, 1993  
Title : ELECTRODE PACKAGE

Assistant Commissioner for Patents  
Washington, DC 20231

DECLARATION PURSUANT TO 35 U.S.C. §1.171 ET SEQ.

We, Gary A. Freeman and Ward M. Hamilton, declare that we believe that we are the original and first inventors of the subject matter that is described and claimed in United States Patent No. 5,462,157 for which we solicit a reissue patent; that we have reviewed and understand the contents of the above identified reissue application, including its specification and claims; that we acknowledge the duty to disclose all information of which we are aware that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations (CFR), §1.56(a); that the aforesaid patent is partly inoperative by reason of claiming less than we had the right to claim in the patent; and that said inoperativeness is a result of error that arose inadvertently and without any deceptive intention.

The errors that are the basis for this reissue application, and the resulting partial inoperativeness of the patent, arose without deceptive intention and can be summarized as follows. The specification of the issued patent discloses an invention that is broader than what is claimed; the independent

claims of the issued patent contain unnecessary limitations with respect to at least one aspect of the invention. The specification recites an electrode package that contains an electrode having a connector that is positioned partially within the package but extends to outside the package to provide an electrical connection to the electrode while the connector still is in the package. With respect to this aspect of the invention, independent claims of the patent unnecessarily recite that the package includes a second compartment for containing the connector (claim 13), that the body of the connector comprises a single piece of material and includes an integral hinge (claim 20), that the body of the connector includes strain relief posts for relieving strain on a wire lead located between the electrode and the connector (claim 21), and that the body of the connector includes an arcuate upper portion and an arcuate lower portion (claim 22).

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We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false

statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of this application or any patents issued thereon.

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ASSENT OF ASSIGNEE AND OFFER TO SURRENDER

The undersigned, ZMD Corporation, being the assignee of all right, title and interest in and to the above-referenced U.S. Patent No. 5,462,157 by virtue of an assignment from the inventors recorded on October 28, 1993 at Reel 6760, Frames 683-685, hereby assents to the accompanying reissue application, and hereby offers to surrender said Patent 5,462,157 and further requests that Letters Patent be reissued to it for the same invention upon the foregoing amended application.

ZMD Corporation

Date: 10/31/97

By: R. A. R.

Title: V. P. PRESIDENT